

ORIGINAL
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RUSSELL FUNCHES, Plaintiff,

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

DETECTIVE DOUGLAS CORSO; DETECTIVE KATRINA FORRESTER;

DETECTIVE RICARDO JOSEPH; DETECTIVE TEARLE CONNELL;

DETECTIVE EDWARD MCBRIDE; SERGEANT JEAN DESIR,

Defendants

15cv2688(BMC)(CLP)

AMENDED
COMPLAINT

Jury Trial: Yes No

(check one)

FILED
CLERK

2015 JAN 11 AM 10:54

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

1. Plaintiff, proceeding pro se, brings claims against Detective Douglas Corso, Detective Katrina Forrester, Detective Ricardo Joseph, Detective Tearle Connell, Detective Edward McBride, and Sergeant Jean Desir, all employed by the New York City Police Department (the "Defendants"), pursuant to 42 U.S.C. § 1983.
2. Based upon personal knowledge and upon information or belief, Plaintiff alleges that Defendants engaged in conduct in connection with the arrest of Plaintiff on September 20, 2013, and the arrest of Plaintiff on August 15, 2014 that violated his rights.
3. Plaintiff alleges that the arrests were unlawful, that Defendants used excessive force against Plaintiff, and that Defendants deprived Plaintiff of his property, all in violation of Plaintiff's Constitutional and other legal rights.
4. As set forth more fully in the Statement of Facts below, the Defendants wrongfully and illegally arrested and detained Plaintiff on two occasions against his will and without probable cause or any other basis for arrest, and the Defendants, acting within the scope of their employment, falsely arrested and falsely imprisoned Plaintiff.
5. The Defendants acted with a knowing, willful, unreasonable, unlawful, and flagrant disregard of Plaintiff's rights and well-being, and engaged in egregious and gross misconduct against Plaintiff in violation of 42 U.S.C. § 1983.
6. Defendants, acting under color of state law and within the scope of their employment, confined Plaintiff against his will and used excessive force against Plaintiff, depriving Plaintiff of his rights under the Fourth, Eighth, and Fourteenth Amendments to the U.S. Constitution, in violation of 42 U.S.C. § 1983.

7. Finally, Defendants unlawfully deprived Plaintiff of his property by destroying or taking certain of Plaintiff's property in disregard of Plaintiff's rights under the Due Process Clause of the Fourteenth Amendment, and in violation of 42 U.S.C. § 1983.
8. As a direct result of Defendants' misconduct and abuse of authority, Plaintiff suffered the harm described in this Complaint. Plaintiff seeks money damages in an amount to be proven at trial, punitive damages, and such further relief as the Court deems just and proper.

Parties

9. Plaintiff Russell Funches lives at 352 E. 134th Street, Bronx, NY Apartment 1B.
10. Defendants Douglas Corso, Katrina Forrester, Ricardo Joseph, Tearle Connell, Edward McBride and Jean Desir are all employees of the New York Police Department (NYPD).

Jurisdiction

11. This Court has jurisdiction under 42 U.S.C. Section 1983, and 28 U.S.C. Section 1331.

Additional allegations

See attached pages.

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D. Facts: _____

What happened to you?

STATEMENT OF FACTS

Who did what?

PAGES ARE ATTACHED TO THIS

Was anyone else involved?

CLAIM.

Who else saw what happened?

III. Injuries: NOTE: THIS PLAINTIFF HAD NOT WAIVED ANY CONSTITUTIONALLY PROTECTED RIGHTS NOR HAD CONSENTED TO THE WAIVER OF SAID RIGHTS.
If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. CORPORAL PUNISHMENT, VIOLATION OF CONSTITUTIONAL RIGHTS OF UNITED STATES AND NEW YORK STATE, DESTRUCTION OF PROPERTY, DESTRUCTION OF MOMENTS (OF EMOTIONAL & SENTIMENTAL VALUE), THEFT OF HERITAGE, EMOTIONAL DISTRESS, ANXIETY, DELIBERATE INDIFFERENCE, CORRUPTION, CONSPIRACY, VERBAL HARASSMENT, PHYSICAL ABUSE, DEFAMATION OF CHARACTER, HARASSMENT, DENIAL OF MEDICAL ATTENTION, Slander, MENTAL ANGUISH, SEXUAL ABUSE, SEXUAL ASSAULT, SECTS BASED ON SEXUAL ORIENTATION (HATE CRIMES), STRESS, DEPRESSION, HARSHSHIPS, PUNITIVE, PERJURY, FALSIFYING DOCUMENTS,
ALSO THERE IS OUT OF POCKET EXPENSES FOR DAMAGED PROPERTY.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ____ No ✓

D. FACTS:

STATEMENT OF FACTS

September 20, 2013

13. On or about the date of ~~July 13, 2014~~ THIS PLAINTIFF WAS IN MY RESIDENCE, TO WIT; 414 E. 94TH STREET, APT. # D-5, BROOKLYN, NEW YORK 11212 WASHING MY DISHES AND COOKING A MEAL WHEN I HEARD A KNOCK ON THE DOOR THAT IS THE ENTRANCE TO MY APARTMENT. I ANSWERED BY SAYING, "WHO?" FROM THE KITCHEN ENTRANCE. A WOMAN RESPONDED SAYING, "TASHA TOLD ME TO WAIT FOR HER HERE." When I REACHED THE DOOR AND PEERED THROUGH THE PEERHOLE I SAW THE JANE DOE DEFENDANT STANDING IN FRONT OF MY DOOR. (AT THIS TIME I DID NOT KNOW THAT THIS ~~WOMAN~~ WAS AN UNDERTCOVER OFFICER OF THE N.Y.P.D. NALERTEC DIVISION). AGAIN, I ASKED, "WHO?" AND THE RESPONSE WAS, "I AM A FRIEND OF TASHA'S. SHE TOLD ME TO COME HERE AND WAIT FOR HER. OPEN THE DOOR." I RESPONDED, "TASHA DOESN'T LIVE HERE AND SHE DAMNED SURE DOESN'T COME HERE. GET AWAY FROM MY DOOR! DON'T KNOCK ON MY DOOR AGAIN OR I AM GOING TO CALL THE POLICE!" IT WAS AT THIS POINT THAT I SAW OTHER PEOPLE'S MOVEMENT ON THE SIDES OF MY DOOR WHERE THE JOHN DOE DEFENDANTS WERE HIDING. THE JANE DOE DEFENDANT THEN STATED, "HE'S A FUCKING CRACK-HEAD!" I STATED, "YOUR MOTHER IS A CRACK HEAD!" THE JOHN AND JANE DOE DEFENDANTS ALL EXITED MY BUILDING. I OBSERVED THEM FROM MY APARTMENT WINDOW. (VARIOUS WHITE MALES, BLACK MALES, POSSIBLE HISPANIC MALES AND BLACK FEMALES SLENDER BUILD.) IT WAS AT THIS POINT THAT A BALD HEADED MAN WITH A WEST INDIAN/CARIBBEAN ACCENT STATED, "THESE IS THE CRACK-HEAD!" IN THE WINDOW. I STATED, "FUCK YOU, BITCH!" AND THAT SAME JOHN DOE DEFENDANT STATED, "WE'LL BE BACK! I'M GONNA GET YOU, FAGGOT!!" AND I SAID TO HIM, "SUCK MY DICK!" I CLOSED THIS WINDOW AND CONTINUED TO DO AS I HAD BEEN WHEN I WAS INTERRUPTED.

14.

On the date of ~~July 13, 2014~~, I WAS IN MY APARTMENT WITH 3 OTHER PEOPLE THAT WERE MY GUESTS, ALL INSIDE MY BEDROOM.

1) ANNA-LISA RANKINE

2) MAKING SMITH

3) SCOTT (LAST NAME UNKNOWN)

WE WERE PLAYING CARDS, WATCHING MOVIES AND DRINKING BEER.

~~(Continued on page 2)~~

(5)

WITHOUT WARNING MY APARTMENT DOOR WAS KNOCKED OFF OF IT'S HINGES AND ALL OF THE DEFENDANTS THAT ARE LABELLED AS JOHN DOE AND JANE DOE ENTERED THE APARTMENT WITH THEIR FIREARMS DRAWN. THEY WERE YELLING AND HITTING MY GUESTS AND MYSELF, AND KNOCKING US ALL ON THE FLOOR OF THE APARTMENT. THESE JOHN DOE AND JANE DOE DEFENDANTS THEN BEGAN TO DESTROY PROPERTY INSIDE OF MY APARTMENT. (GIANT SCREEN TELEVISION - SCREEN PUSHED IN AND POWER BUTTON DAMAGED. WATERFALL PENSUS - DAMAGED AND WATER MOVEMENT NO LONGER WORKS. A GOLD RING ON A GOLD CHAIN - A PERSONAL HAIRCOMB THAT WAS GIVEN TO ME BY MY DECEDED MOTHER WAS PLACED IN ONE OF THE JOHN DOE DEFENDANT'S POCKETS... WHICH IS THEFT. VALUED PHOTOS DESTROYED AND FURNITURE DESTROYED. FRONT DOOR LOCK DESTROYED AND BUILDING MANAGEMENT REFUSED TO REPLACE. MY BEDROOM WAS BEING DESTROYED BY THE JOHN AND JANE DOE DEFENDANTS. THEY BROKE LAMPS, (CRACKED) MY LIVINGROOM WINDOW AND MUCH MORE AS IF THEIR SOLE PURPOSE WAS TO DESTROY OR DAMAGE MY PERSONAL BELONGINGS.) AND WHEN I HAD VOICED MY DISPLEASURE ONE OFFICER KICKED ME IN MY SIDE AND KNEES (CAUSING ME PAIN) TELLING ME TO, "SHUT THE FUCK UP! FUCKING FAGGOT," WHILE HIS GUN REMAINED DRAWN ON MY GUESTS AND MYSELF. MY FRIEND ANNA (ANNA-LISA RANKIN) SAID, "THAT'S UN-NECESSARY, MAN. WHAT KIND OF GODDAMN BULLSHIT IS THIS..." ANOTHER OFFICER STEPPED ON HER ANKLE OR LEG AND SHE YELLED OUT IN PAIN. THE OFFICER THEN SAID, "YOU WAS TOLD TO SHUT UP, RIGHT?" IT WAS AT THIS POINT THAT THE UNIT'S SUPERVISING OFFICER WALKED OVER AND ASKED ANNA-LISA ABOUT HER NON-AMERICAN HERSTASIS SINCE IT WAS EVIDENT IN HER ACCENT. ANNA REFUSED TO COMMENT. THE SAME SUPERVISING OFFICER THEN STATED TO ME, "I TOLD YOU THAT I'D BE BACK! YOU SEE? I KNEW I'D GET YOU. SO... WHO'S MOTHER IS A CRAZIE-HEAD?"

((6))

HE THEN BEGAN TO LOOK AT SOME OF THE PICTURES THAT WERE ON MY SHELF ABOVE MY BED AND (DUE TO THE NUDEITY AND NATURE) STATED, "YOU'RE A FUCKING HOMO? BARRY BOY? SO YOU'RE HIS LOVER (MEANING SEAN MY MALE GUEST) AND THE WOMAN ARE LOVERS (MEANING ANNA-LISA/MARINA). YOU ALL ARE FUCKED UP! Damn!" WE WERE ALREADY IN HANDCUFFS. WHEN -

-(6)- CONTINUE ON PAGE (5)

THE OFFICERS LIFTED US OFF OF THE FLOOR AND BEGAN GOING INTO OUR POCKETS. I ASKED TO SEE A WARRANT AND WAS SLAPPED IN THE FACE. THE OFFICER THEN SAID, "YOU DIDN'T SEE IT? IT WAS JUST IN MY HAND. (MEANING THE HAND THAT HE'D JUST USED TO SLAP ME), DO YOU WANT TO SEE IT AGAIN?" I SAID NOTHING.

17. ONE OF THE POLICE OFFICERS (Jane Doe) HAD FOUND A CRACK PIPE ON ONE OF MY GUESTS, MAXINE SMITH. WE WERE THEN TAKEN TO A LOCAL PRECINCT FOR PROCESSING. I WAS TOUCHED INAPPROPRIATELY DURING A SEARCH.

18. EACH OF US WERE APPROACHED INDIVIDUALLY BY THESE OFFICERS WITH AN OFFER OF BECOMING A CONFIDENTIAL INFORMANT (C.I.) IN THE FOLLOWING MANNER.

19. "LISTEN, YOU CAN WORK FOR US. HELP US GET ARRESTS AND YOU'D GET PAID GOOD MONEY. NOBODY WILL KNOW. YOU'LL GET A NUMBER AND USE THAT NUMBER AS AN I.D. # TO GET MONEY FOR THE ARRESTS THAT YOU HELP US WITH. YOU WON'T EVEN GO THROUGH THE SYSTEM FOR THIS SHIT. YOU'LL GO HOME FROM HERE... NO TRIP DOWNTOWN."

20. I REVISIION. I DID NOT KNOW THAT MAXINE SMITH HAD A CRACK PIPE IN HER POSSESSION AND IT WAS NEVER MADE VISIBLE UNTIL IT WAS FOUND ON HER (DURING THE ILLEGAL SEARCH AND SEIZURE OF MY RESIDENCE IN VIOLATION OF ONE OF THE MANY CONSTITUTIONALLY PROTECTED RIGHTS OF THIS PLAINTIFF BY THE JOHN/JANE DOE DEFENDANTS) AND NOT ON ME OR IN MY APARTMENT. I DON'T MAKE A HABIT OF SEARCHING MY HOUSE GUESTS (JUST AS 99.999% OF AMERICANS DO NOT DO SO AS WELL, I WOULD ASSUME.) NOR DO I ENQUIRE WHAT IS IN THEIR LOCKETS, WALLETS AND BODY CANISTERS. MAXINE SMITH WAS RELEASED FROM THIS PRECINCT. I WENT TO COURT IN THE COUNTY OF KINGS (DOCKET # 2014KN-061603) ALONG WITH SCOTT AND ANNA-LISA RANKING AND WAS RELEASED ON OWN RECOGNIZANCE.

21. WHEN ANOTHER FRIEND, MR. JAMES ROBINSON, CAME BY TO VISIT AT A LATER DATE AND WAS TOLD WHAT HAD HAPPENED MR. ROBINSON STATED, "YOU SHOULD CALL INTERNAL AFFAIRS. SO I DID BY USING THE NUMBER GIVEN TO ME BY MR. ROBINSON, TO WIT: 1-800-PRIDE-PP.

22. I was GIVEN THE COMPLAINT # 2014-28923.
23. At my ARR AIGMENT ON THE ARREST THE POLICE REPORT STATES THAT THE OFFICERS HAD ENCOUNTERED THE 4 OF US IN THE LOBBY OF MY BUILDING, WHICH WAS A TOTAL FABRICATION OF THE ACCOUNTS LEADING TO THIS CLAIM. MY BUILDING HAS A CAMERA SYSTEM INSTALLED IN THE FOYER AND LOBBY OF THE BUILDING THAT WILL PROVE THE ACCOUNT OF THE INITIAL ATTEMPT TO GAIN ENTRY INTO MY APARTMENT AND THE LATER INTRUSION INTO MY APARTMENT.
24. After I HAD FILED THE COMPLAINT WITH THE INTERNAL AFFAIRS BUREAU THEN I BEGAN TO GET HARASSED MORE AS WELL AS ANY GUESTS OF MINE THAT WOULD ENTER OR EXIT MY PLACES OF RESIDENCE OR BUILDING AS A RETALIATION.
25. I HAVE NEVER SOLD ANY CONTROLLED SUBSTANCE(S) FROM MY APARTMENT NOR PERSONALLY IN ANY FORM AS OUTLINED BY THE PENAL CODE(S) 220 AND 221 OF THE PENAL LAW OF THE STATE OF NEW YORK.
26. ALL OF THE ARRESTS AND ALLEGED SALES ARE FABRICATIONS AND HAVE NOW PLACED ME IN JEOPARDY OF LOSING A LOT MORE THAN I HAVE LOST (AND HAD STOLEN FROM ME BY THESE CORRUPT OFFICERS) ALREADY.
27. I AM FEARFUL THAT MORE THREATS, HARASSMENTS AND/OR REPRISALS WILL RESULT IN MY HAVING FILED THIS COMPLAINT. I SEEK THE COURT'S ASSISTANCE VIA PROTECTIVE ORDERS AGAINST THE DEFENDANTS.
28. On August 15, 2014, the NYPD arrested me again as part of this harassment.
Note: THERE WAS AN ARTICLE IN THE DAILY NEWS ABOUT POLICE CORRUPTION AND IN THIS ARTICLE ONE OFFICER THAT WAS BEING CHARGED WAS WITH INTERNAL AFFAIRS BUREAU (INFORMING OFFICERS OF PENDING INVESTIGATIONS). IF THIS PLAINTIFF FINDS THAT ANY OFFICERS OF THE I.A.B. HAS INTENTIONALLY ASSISTED ANY OF THE DEFENDANTS IN THIS CLAIM TO THWART THE JUSTICE BEING SOUGHT ANOTHER CLAIM WILL BE FILED.

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If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes No _____ Do Not Know _____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes _____ No Do Not Know _____

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes _____ No

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes _____ No

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: N.Y.P.D.
NON-GRIEVABLE

2. If you did not file a grievance but informed any officials of your claim, state who you

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29.

informed, when and how, and their response, if any: INTERNAL AFFAIRS WAS CONTACTED AND A COMPLAINT WAS LOGGED # 2014-28-923. THERE WERE OTHERS PRESENT DURING THIS CALL. ANNIE-LISA RANKING AND JAMES ROBINSON.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

30.

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I AM SEEKING THE AMOUNT OF 15,000,000.00 (FIFTEEN MILLION DOLLARS) UNITED STATES CURRENCY FOR ALL VIOLATIONS AS STATED IN THE INJURIES AND "FACTS" SECTIONS OF THIS COMPLAINT (BE THEY NAMED OR NOT) IN BY DESCRIPTION OF CONDUCT AND/OR MISCONDUCT OF DEFENDANTS) BY ALL OF THE DEFENDANTS (INDIVIDUALLY AND COLLECTIVELY) IN THEIR OFFICIAL CAPACITY, AS SOME DEFENDANTS ARE IN SUPERVISORY POSITIONS OVER OTHERS AND ARE AWARE OF PRACTICES, PROCEDURES, POLICIES OF THEIR SUBORDINATES AND HAVE SHOWN DELIBERATE INDIFFERENCE AND FAILURE TO ACT ON THE RAMPANT MISCONDUCT, COMPLAINTS! LAWSUITS BASED THEREON OVER YEARS OF SAID VIOLATIONS BY UNITS OF UNDERCOVER NARCOTICS OFFICIALS SUCH AS THOSE SIMILAR TO THAT OF DEFENDANTS # # 4 AND 5 AS WELL AS DEFENDANTS # # 4 AND 5.

DEFENDANTS # # 4 AND 5 ARE UNDER THE SUPERVISION AND POLICIES OF DEFENDANT # 3. DEFENDANT # 3 IS UNDER THE SUPERVISION AND POLICIES OF DEFENDANT # 2. DEFENDANTS # # 2 AND 3 ARE THE ELECTED OFFICIAL AND APPOINTED OFFICIAL OF DEFENDANT # 1.

I declare under penalty of perjury that the foregoing is true and correct.

January 11, 2016



Russell Funches

352 E. 134th Street, Apartment 1B

Bronx, NY

929-326-9480